

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT E. FARRELL, SR.,

Plaintiff,

V.

ERIC K. SHINSEKI, SECRETARY,
Department of Veterans' Affairs,

Defendants.

Civil Action No. 08-120 (SRC) (MAS)

ORDER

CHESLER, U.S.D.J.

This matter comes before the Court on the motion to file an appeal out of time by Plaintiff Robert R. Farrell, Sr. Federal Rule of Appellate Procedure 4(a)(5)(A) states:

The district court may extend the time to file a notice of appeal if:

- (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and
- (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

Both of these requirements have been met. The Order to be appealed from was entered by this Court on August 9, 2010. Plaintiff filed this motion on October 7, 2010, which is within the allowed time frame. Also, Plaintiff's explanation that his previous counsel would not agree to represent him on the appeal without prepayment, and that he then had to proceed with the appeal *pro se*, constitutes good cause.

For these reasons,

IT IS on this 29th day of November, 2010,

ORDERED that Plaintiff's motion (Docket Entry No. 43) is **GRANTED**, and Plaintiff's time to appeal is extended until 14 days after the date of entry of this Order.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.